

BEFORE: PEGGY KUO
U.S. MAGISTRATE JUDGE

DATE: 12/2/16
START TIME: 10:33 am
END TIME: 12:01 pm
JUDGE: SLT

DOCKET NO. 08-CV-4405

CASE NAME: ALLSTATE INSURANCE COMPANY, et al. v. MIRVIS, et al.

CIVIL CONFERENCE

PURPOSE OF CONFERENCE: Motion Hearing

APPEARANCES: Plaintiffs

William Natbony, Daniel S. Marvin, Robert Stern, Andrew Midgett, and Kristy Eagan

Non-party movant Ruslan Zhuravsky

Mark Furman

Non-party movants Alexander Boriskin, Lyubov Mirvis, Tatyana Mirvis (the "Mirvis non-parties").

Meyer Silber

Defendants

No appearance

RULINGS and SCHEDULING:

1. For the reasons stated on the record, the Motions for a Preliminary Injunction [386] and [387] are granted.
 - a. The Court finds that Plaintiffs have demonstrated they will suffer irreparable harm if a preliminary injunction is not granted. *See Pashaian v. Eccleston Props, Ltd.*, 88 F.3d 77, 86-87 (2d Cir. 1996); *Citigroup Glob. Mkts., Inc. v. VCG Special Opportunities Master Fund Ltd.*, 598 F.3d 30, 35-38 (2d Cir. 2010).
 - b. The Court finds that Plaintiffs have demonstrated a likelihood of success on the merits; in the alternative, the Court finds that there are sufficiently serious questions going to the merits to make them a fair ground for litigation, and, weighing the hardships, the Court finds that the hardships tip decidedly toward Plaintiffs. *See id.*; *Pashaian*, 88 F.3d at 86-87.
2. In granting [386] and [387], the Court finds that Plaintiffs need not post a bond, because movants have failed to demonstrate that there is a likely harm proximately caused by the injunctions that is not speculative. *See Corning Inc. v. PicVue Elecs., Ltd.*, 365 F.3d 156, 158 (2d Cir. 2004); *Doctor's Assocs., Inc. v. Distajo*, 107 F.3d 126, 136 (2d Cir. 1997); *Interlink Int'l Fin. Svcs., Inc. v. Block*, 145 F. Supp. 2d 312, 315 (S.D.N.Y. 2001).

3. The request by non-party Zhuravsky to file a reply on [349] is granted, *nunc pro tunc*. The reply is due by **December 16, 2016**.
4. The request by the Mirvis non-parties to file a reply on [350] is granted, *nunc pro tunc*. The reply is due by **December 16, 2016**.
5. The request by the Mirvis non-parties to file a supplemental affidavit of Tatyana Mirvis is granted. The affidavit is due by **December 16, 2016**. Any response is due by **January 6, 2017**.
6. Plaintiffs are to file a proposed Preliminary Injunction Order for each of [386] and [387].
7. Once the Court determines the Motions for Protective Order/to Quash [349] and [350], the parties will file, to be so-ordered, a proposed briefing schedule on the anticipated Motion for Turnover.